

CrPC S. 91 , 311 - Fair trial - Relevant material - Decoding registers - Order rejecting an application under Section 311 CrPC seeking to summon the nodal officers of certain cellular entities along with the decoding register to trace the mobile location of accused - Section 91 CrPC empowers *inter alia* any Court to issue summons to a person in whose possession or power a document or thing is believed to be, where it considers the production of the said document or thing necessary or desirable for the purpose of any investigation, inquiry, trial or other proceeding under the CrPC - Application of the prosecution for the production of the decoding registers is relatable to the provisions of Section 91 CrPC - The decoding registers are sought to be produced through the representatives of the cellular companies in whose custody or possession they are found - The decoding registers are a relevant piece of evidence to establish the co-relationship between the location of the accused and the cell phone tower - The summons to produce a document or other thing under Section 91 can be issued where the Court finds that the production of the document or thing “is necessary or desirable for the purpose of any investigation, trial or other proceeding” under the CrPC - The power under Section 311 to summon a witness is conditioned by the requirement that the evidence of the person who is sought to be summoned appears to the Court to be essential to the just decision of the case.

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